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11 LLADIRA HERNANDEZ

12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15
16 UNITED STATES OF AMERICA,
17 Plaintiff,
18 vs.
19 LLADIRA HERNANDEZ,
20 Defendant.

Case No. 1:22-mj-00175-BAM

**STIPULATION TO CONTINUE
PRELIMINARY EXAMINATION; ORDER**

Date: February 23, 2023
Time: 2:00 p.m.
Judge: Hon. Stanley A. Boone

17 IT IS HEREBY STIPULATED by and between the parties through their respective
18 counsel, Assistant United States Attorney Joseph Barton, counsel for plaintiff, and Assistant
19 Federal Defender Erin Snider, counsel for Lladira Hernandez, that the Court may continue the
20 preliminary examination currently scheduled for February 9, 2023, at 2:00 p.m. to February 23,
21 2023, at 2:00 p.m.

22 Ms. Hernandez made her initial appearance on the Criminal Complaint on November 21,
23 2022. *See* ECF #7. At that time, the parties advised the Court that they were working toward a
24 preindictment resolution and requested that the Court make a finding of good cause to set the
25 preliminary examination outside the statutory timeframe. *Id.* Based on the parties' representation,
26 the Court found good cause and set the preliminary examination for January 12, 2023, at 2:00
27 p.m. *Id.* The Court also excluded time under the Speedy Trial Act. *Id.*

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1 On January 5, 2023, the Court granted the parties' joint request to continue the
2 preliminary hearing to February 9, 2023, to enable the parties to continue working on a
3 preindictment resolution. *See* ECF #15. Once again, the Court found good cause under Federal
4 Rule of Criminal Procedure 5.1 and excluded time under the Speedy Trial Act. *Id.*

5 The parties now request that the Court continue the preliminary examination one more
6 time. On January 31, 2023, the government provided a revised plea agreement. On February 6,
7 2023, the government provided an additional 3,043 Bates-stamped pages of discovery. Defense
8 counsel requires additional time to review the recently provided discovery, as well as the revised
9 preindictment offer with her client. The parties agree that the extension of a preindictment plea
10 offer, and defense counsel's need to review discovery and the offer with her client, constitutes
11 good cause to hold the preliminary examination outside the statutory deadline. The parties
12 further agree that the ends of justice served by continuing the case as requested outweigh the
13 interest of the public and the defendant in a speedy indictment as prescribed by the Speedy Trial
14 Act.

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16 **IT IS SO STIPULATED.**

17 Respectfully submitted,

18

19 PHILLIP A. TALBERT
United States Attorney

20 Date: February 6, 2023

21 _____
JOSEPH BARTON
Assistant United States Attorney
Attorney for Plaintiff

23 HEATHER E. WILLIAMS
Federal Defender

25 Date: February 6, 2023

26 _____
ERIN SNIDER
Assistant Federal Defender
Attorney for Defendant
LLADIRA HERNANDEZ

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ORDER

IT IS SO ORDERED. The preliminary examination scheduled for February 9, 2023, at 2:00 p.m. is hereby continued to February 23, 2023, at 2:00 p.m. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, within which an indictment must be filed, the time period of February 9, 2023, to February 23, 2023, inclusive, is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv). The defendant is ordered to appear.

IT IS SO ORDERED.

Dated: February 7, 2023



UNITED STATES MAGISTRATE JUDGE